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EXAMINER	
SHEPARD, JUSTIN E	

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/848,490	YEISER, JOHN O.	
	Examiner	Art Unit	
	Justin E. Shepard	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *8/13/01*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On page 13, line 26; Part 204 is not shown in figure 1.

On page 15, lines 18 and 30; Part 216 is not shown in figure 3.

On page 28, lines 7 and 21; Part 508 is shown as part 507 in figure 5.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3 rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan.

2. Referring to claim 1, Levitan discloses a method for advertising Internet web sites to a plurality of communication device viewers, the method comprising: a) acquiring air time from a media provider (column 4, lines 35-39), wherein the media provider transmits programming over a communication network for display on a plurality of communication devices (column 5, lines 22-24); each web site proprietor having a web site address (column 7, lines 37-43); c) producing a media segment for display on a communication device (column 4, lines 23-25) comprising a combination of two or more advertising formats selected from the group consisting of a list of web site addresses for the plurality of web site proprietors, a video featuring a selected web site proprietor or

service or product of the selected web site proprietor; a banner advertisement featuring one or the plurality of web site proprietors (column 7, lines 14-16); and d) transmitting the media segment over the communication network during the acquired air time for viewing on display screens of the communication devices (column 5, lines 22-24).

Levitan does not disclose a method for advertising where b) marketing and selling advertising services to a plurality of web site proprietors.

At the time of the invention it would have been obvious for one of ordinary skill in the art to market and sell the advertising services to businesses. The motivation would have been to provide a way for possible customers to find out about your product/service and therefore make revenue from it.

3. Referring to claim 2, Levitan discloses a method of claim 1, wherein the communication device comprises a television and the media provider is selected from the group consisting of cable providers, television stations, and satellite providers (column 4, lines 17-18; column 5, lines 22-24).

4. Referring to claim 3, Levitan discloses a method of claim 1, wherein the communication device is selected from the group consisting of interactive televisions, non-interactive televisions, computers, mobile phones, video phones, and pagers (column 5, lines 22-24; column 6, lines 40-41).

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan in view of Landsman.

5. Referring to claim 4, Levitan does not disclose a method of claim 1, wherein the communication network is the Internet and wherein the media segment includes a video

comprising a streaming video, and further comprising the step of providing a link between the web site proprietor's web site and a separate web site operated by an advertising service provider that provides for accessing and running the streaming video.

Landsman discloses a method of claim 1, wherein the communication network is the Internet (column 9, line 52) and wherein the media segment includes a video comprising a streaming video (column 10, lines 5-12), and further comprising the step of providing a link between the web site proprietor's web site and a separate web site operated by an advertising service provider that provides for accessing and running the streaming video (column 9, lines 64-65).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the web streaming method taught by Landsman in the method disclosed by Levitan. The motivation would have been to allow people who had access to phone lines, and therefore the Internet, and not cable television to use this service.

6. Referring to claim 5, Levitan does not disclose a method of claim 4, further comprising monitoring the streaming video to count a number of times the streaming video is viewed.

Landsman discloses a method of claim 4, further comprising monitoring the streaming video to count a number of times the streaming video is viewed (column 7, lines 54-59).

At the time of the invention it would have been obvious for a person of ordinary skill in the art to add the add counting method taught by Landsman to the method

disclosed by Levitan. The motivation for doing this would have been to allow for the advertisers to only by charged for the ads that were being viewed (Landsman: column 7, lines 54-59).

7. Referring to claim 6, Levitan does not disclose a method of claim 5, further comprising charging the web site proprietor a fee according to the number of times the streaming video is viewed.

Landsman discloses a method of claim 5, further comprising charging the web site proprietor a fee according to the number of times the streaming video is viewed (column 7, lines 54-59).

At the time of the invention it would have been obvious for a person of ordinary skill in the art to add the add counting method taught by Landsman to the method disclosed by Levitan. The motivation for doing this would have been to allow for the advertisers to only by charged for the ads that were being viewed (Landsman: column 7, lines 54-59).

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan in view of Landsman as applied to claims 4 above, and further in view of Chan.

Levitan and Landsman do not disclose a method of claim 4, further comprising providing a second link to the streaming video at the advertising service provider's web site.

Chan discloses a method of claim 4, further comprising providing a second link to the streaming video at the advertising service provider's web site (paragraph 2, lines 7-11).

At the time of the invention it would have been obvious for one of ordinary skill in the art to store the advertisements on the advertiser providers server as taught by Chan in the system disclosed by Levitan and Landsman. The motivation for doing this would be to enable websites with low bandwidth to still have an advertisement that contained high bandwidth multimedia content.

Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan in view of Borman.

9. Referring to claim 8, Levitan does not disclose a method of claim 1, wherein the communication network is the Internet and each web site address is displayed as a hyperlink to the proprietor's web site.

Borman discloses a method of claim 1 , wherein the communication network is the Internet and each web site address is displayed as a hyperlink to the proprietor's web site (column 2, lines 53-56).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the method to display links to the customer as taught by Borman in the system disclosed by Levitan. The motivation for doing this would have been to help people who are inexperienced with the web to find shopping sites (Borman: column 3, lines 37-40).

10. Referring to claim 9, Levitan discloses a method of claim 1, wherein one of the selected advertising formats is a list of web site addresses and further comprising scrolling the list on a display screen of the communication device (column 6, line 63).

11. Referring to claim 10, Levitan does not disclose a method of claim 1, wherein one of the selected advertising formats is a list of web site addresses and further comprising categorizing the web site addresses according to a type of business of the web site proprietor and displaying the web site addresses under a category heading corresponding to the type of business.

Borman discloses a method of claim 1 , wherein one of the selected advertising formats is a list of web site addresses and further comprising categorizing the web site addresses according to a type of business of the web site proprietor and displaying the web site addresses under a category heading corresponding to the type of business (figure 3).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the method to display links that are divided into categories to the customer as taught by Borman in the system disclosed by Levitan. The motivation for doing this would have been to help people who are inexperienced with the web to find shopping sites (Borman: column 3, lines 37-40).

12. Referring to claim 11, Levitan does not disclose a method of claim 1, wherein one of the selected advertising formats is a list of web site addresses wherein each web site address has descriptive information associated therewith.

Borman discloses a method of claim 1, wherein one of the selected advertising formats is a list of web site addresses wherein each web site address has descriptive information associated therewith (figure 3; Note: the hierarchy of categories is being interpreted as equivalent to having a description next to the link).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the method to display descriptive links to the customer as taught by Chan in the system disclosed by Levitan. The motivation for doing this would have been to help people who are inexperienced with the web to find shopping sites (Chan: column 3, lines 37-40).

13. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan in view of Collins-Rector.

Levitan does not disclose a method of claim 1 , further comprising formatting the media segment to display each selected advertising format in a distinct segment of each display screen.

Collins-Rector discloses a method of claim 1 , further comprising formatting the media segment to display each selected advertising format in a distinct segment of each display screen (figure 2).

At the time of the invention it would have been obvious for one of ordinary skill in the art to display each advertising format in a distinct segment as taught by Collins-Rector in the system disclosed by Levitan. The motivation for doing this would have been to enable more information to be presented and allow for selections to be made while the video continues to play (Collins-Rector: column 1, lines 49-52)

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman in view of Pezzillo.

14. Referring to claim 13, Landsman discloses a method for promoting Internet web sites to a plurality of Internet users, the method comprising: storing the video as a video

file on a streaming server linked to a service provider's web site (column 10, lines 5-12); adding a hyperlink at the web site proprietor's web site for linking to the service provider's web site and the streaming server to play the video (column 9, lines 64-65; Note: adding a html tag to a proprietor's website that causes a advertisement to play is being interpreted as equivalent to providing a link to perform the same action); and providing means for counting a number of times the video is played (column 7, lines 54-59).

Landsman does not disclose a method that provides production services for producing a video comprising promotional information for a web site proprietor's product or service.

Pezzillo discloses a method that provides production services for producing a video comprising promotional information for a web site proprietor's product or service (column 1, lines 52-59).

At the time of the invention it would have been obvious for one of ordinary skill in the art to provide a media production service as taught by Pezzillo in the system disclosed in Landsman. The motivation for doing so would to enable those businesses without media production capabilities to create their own commercials.

15. Referring to claim 14, Landsman discloses a method of claim 13, wherein further comprising charging the web site proprietor an advertising fee that is proportional to the number of times the video is played (column 7, lines 54-59).

16. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman in view of Pezzillo as applied to claim 13 above, and further in view of Levitan.

Landsman and Pezzillo do not disclose a method of claim 13, wherein the video comprises an audio/video presentation selected from the group consisting of a promotional pitch, an interview, a testimonial, and a product demonstration.

Levitan discloses a method of claim 13, wherein the video comprises an audio/video presentation selected from the group consisting of a promotional pitch, an interview, a testimonial, and a product demonstration (column 7, lines 14-16).

At the time of the invention it would have been obvious for one of ordinary skill in the art to broadcast a commercial as taught by Levitan in the system disclosed by Landsman and Pezzillo. The motivation for doing this would have been because these are the types of things that normally make up television commercials (Levitan: column 7, line 16).

17. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman in view of Pezzillo as applied to claim 13 above, and further in view of Chan.

Landsman and Pezzillo do not disclose a method of claim 13, further comprising adding a second hyperlink to the service provider's web site for accessing the video, wherein the second hyperlink comprises information identifying the web site proprietor or the web site proprietor's product or service.

Chan discloses a method of claim 13, further comprising adding a second hyperlink to the service provider's web site for accessing the video, wherein the second

hyperlink comprises information identifying the web site proprietor or the web site proprietor's product or service (paragraph 2, lines 7-11).

At the time of the invention it would have been obvious for one of ordinary skill in the art to store the advertisements on the advertiser providers server as taught by Chan in the system disclosed by Levitan and Landsman. The motivation for doing this would be to enable websites with low bandwidth to still have an advertisement that contained high bandwidth multimedia content.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Levitan, U.S. Patent Application Publication Number 2002/0069413, Internet Access Via One-Way Television Channels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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